

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DORY BRENDAN HUX,)	
)	
Plaintiff,)	<u>ORDER</u>
)	
v.)	
)	
NEUTROGENA CORPORATION,)	
JOHNSON & JOHNSON, and JOHNSON)	
& JOHNSON CONSUMER, INC.,)	
)	
Defendants.)	
)	

CASE NO. 3:23-CV-215-FDW-DCK

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Motion For Reconsideration Of The Court’s Order Granting The Plaintiff’s Motion For Extension Of Time To Respond To Defendants’ Dispositive Motions” (Document No. 83) filed May 7, 2024. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and in the interests of efficient case management and quality pleading, the undersigned will grant the motion.

The “Case Management Order” set the deadline for filing dispositive motions as March 5, 2024. (Document No. 25). The “Case Management Order” states that “[s]tipulated extensions of the deadline for completion of all discovery will not alter the dates and deadlines for filing, briefing, and hearing dispositive motions, nor do they provide grounds for a continuance of a trial setting.” (Document No. 25, p. 2, n. 3). “Plaintiff’s Unopposed Motion To Extend Scheduling Deadlines” (Document No. 30) was filed on December 6, 2023, seeking *inter alia*, an extension of the dispositive motions deadline to April 30, 2024. The undersigned allowed the requested extension of the dispositive motions deadline. (Document No. 32).

On April 2, 2024, the parties filed a “Joint Stipulation As To Certain Depositions” (Document No. 52). The parties agreed to the scheduling of certain depositions, but also noted the following:

[p]ursuant to Footnote 3 of this Court’s Case Management Order, the Parties recognize and acknowledge that this stipulated extension of the deadline for completion of the above-specified discovery will not alter the dates and deadlines for filing, briefing, and hearing dispositive motions, nor will it provide grounds for a continuance of the trial setting.

(Document No. 52, p. 2) (citing Document No. 25).

On the dispositive motions deadline, April 30, 2024, Defendants filed motions in limine (Document Nos. 54, 57, 60, 63, and 66) and motions for summary judgment (Document Nos. 69 and 72). “Plaintiff’s Motion For Extension Of Time To Respond To Defendants’ Dispositive Motions” (Document No. 79) was filed May 3, 2024. In an effort to keep matters moving without significant further delay, the undersigned granted the foregoing motion, with modification, allowing only a one (1) day extension instead of a seven (7) day extension. (Document No. 81).

Now pending is “Plaintiff’s Motion For Reconsideration Of The Court’s Order Granting The Plaintiff’s Motion For Extension Of Time To Respond To Defendants’ Dispositive Motions” (Document No. 83). Plaintiff contends that the request for additional time is a modest request that is necessary to effectively respond to the pending motions. (Document No. 82). Moreover, Plaintiff suggests that Defendants are engaged in “a broader strategy aimed at overwhelming Plaintiff and curtailing thorough responses.” (Document No. 82, p. 3). Defendants have not yet responded, and whether this is true or not is of little consequence to the Court’s ruling on this motion, which is based on more practical concerns.

Frankly, the Court is not a big fan of motions to reconsider, but in this instance will grant the motion in a pragmatic effort to do what is best for the case. The undersigned will allow

Plaintiff's original extension request in the simple interest of providing the Court with well-prepared pleadings from both sides on these issues. The undersigned finds after further consideration that Defendants' filing of five (5) motions in limine, in addition to two (2) motions for summary judgment on the dispositive motions deadline, warrants allowing Plaintiff an additional seven (7) days to file responses. It is also important that Defendants have an adequate opportunity to file replies. Further extensions of any deadlines in this case are unlikely to be allowed.

IT IS, THEREFORE, ORDERED that "Plaintiff's Motion For Reconsideration Of The Court's Order Granting The Plaintiff's Motion For Extension Of Time To Respond To Defendants' Dispositive Motions" (Document No. 83) is **GRANTED**. Plaintiff shall file responses to Defendants' motions for summary judgment (Document Nos. 69 and 72) and motions in limine (Document Nos. 54, 57, 60, 63, and 66) on or before **May 21, 2024**; Defendants shall file reply briefs in support of the motions for summary judgment and motions in limine on or before **June 4, 2024**.

SO ORDERED.

Signed: May 7, 2024



David C. Keesler
United States Magistrate Judge
